

**OPINION**  
**43-74**

August 16, 1943      (OPINION)

MINIMUM WAGE

RE: Overtime

I have your letter of August 13th drawing my attention to section 2 of chapter 222 of the 1943 Session Laws. You inquire whether the provision "One and a half times the wage paid per hour for a forty-eight hour week" means one and a half times the actual prevailing wage paid the employee or one and a half times the minimum wage provided for by the regulations of a minimum wage order promulgated by the Commissioner of Agriculture and Labor.

In my opinion, the provision "One and a half times the wage paid per hour for a forty-eight hour week" means one and a half times the wage paid that particular employee per hour. If that employee were getting \$1.50 per hour and the minimum wage for that type of work is sixty cents an hour, then of course, one and a half times the sixty cents an hour would be considerably less than that employee makes on his straight time. The provision referred to can only mean one and a half times the wage which that particular employee is receiving per hour.

You also inquire whether the provisions providing for compensation "for each year in excess of forty-eight hours at a rate of one and a half times the wage paid per hour for a forty-eight hour week" entitles an employee to time and a half for excessive hours worked in any one day, even though the total hours per week do not exceed forty-eight. In our opinion, no employee can be allowed to work more than ten hours per day, but no overtime need be paid until the employee has worked more than forty-eight hours per week. The overtime is paid on the number of hours worked in excess of forty-eight hours in any one week.

ALVIN C. STRUTZ  
Attorney General